

Pepper Spray Policy**1.3.2****PURPOSE**

The purpose of this policy is to provide guidance to non-police City employees, in the course of City employment, regarding the possession and use of Oleoresin Capsicum, hereafter referred to as pepper spray.

POLICY**1. Training Required.**

State legislation allows any person to purchase, possess, and use pepper spray without prior authorization or training. Some non-police City employees have expressed a desire to carry pepper spray for self-defense purposes in the course of City employment. The City must ensure that any City employee who chooses to carry pepper spray in the course of his or her work with the City does so in a safe and responsible manner. Therefore, all non-police employees who choose to carry pepper spray at work must participate in a mandatory, personal safety training course provided by the San Jose Police Department on an as-needed basis.

The Police Department will also provide periodic training updates every three years. Any employee using pepper spray more than once in a calendar year will be required to attend another training session within six (6) months.

Since the decision to carry pepper spray is voluntary, pepper spray will be purchased and paid for by the employee.

When used on City time by non-police employees, pepper spray must be used for self-defense purposes only. Pepper spray can be used only as a last resort when nonviolent alternative methods have failed or would be ineffective to prevent imminent, serious bodily injury.

2. Department Approval.

Department Director approval is required to carry pepper spray while at work. The Department Director's review will consider the nature of the work, alternative self defense methods available, the need for protection, and an assessment of the personal characteristics of the employee including good judgment, history of discipline, and any previous history of physical altercations.

Mandatory training must include the following elements:

- Personal safety training that emphasizes risk avoidance, including nonviolent means of defusing confrontational situations.

Pepper Spray Policy

1.3.2

- Instruction that pepper spray works only under very limited circumstances.
- How to correctly and safely administer the spray.
- Steps to take once the spray has been administered.
- Other means of self defense such as verbal judo, etc.
- Warning to employees about the possible adverse consequences of improper use of pepper spray: disciplinary action, criminal charges (e.g., assault) and civil tort liability for damages.

3. Reporting Use of Pepper Spray.

All non-police employees who use pepper spray in the course of City employment must report use of the spray to the Police Department immediately, so that the Police can arrest the offender and administer first aid. Employees must also document the incident and prepare a report for their supervisor.

Violation of this City Policy will be subject to disciplinary action.

PROCEDURES

Request to Carry Pepper Spray:

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| Employee | 1. Submits request to carry pepper spray at work to supervisor. |
| Supervisor | 2. Reviews and submits request to Department Director, or designee, with a recommendation for approval or disapproval. |
| Department Director | 3. Reviews request and approves or disapproves request. |
| Employee | 4. If approval is given, enrolls in and completes a mandatory, personal safety training course provided by the Police Department. |
| | 5. Can begin to carry pepper spray at work. |

If Pepper Spray is Used on City time:

6. Calls Police to arrest offender and administer first aid.
7. Prepares report to document incident for Department Director.

